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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,401	11/25/2003	Gregory T. Goetzinger	P0314	8042

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EXAMINER

GROSSO, HARRY A

ART UNIT PAPER NUMBER

3727

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/721,401

Applicant(s)

GOETZINGER ET AL.

Examiner

Harry A. Grosso

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/13/04</u> | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 10 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claims 10 and 11 both recite the limitation "respective lowermost portions" in the first line of each claim. There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polk et al (Polk) (5,904,053) in view of Stansbury et al (Stansbury) (3,027,041).
6. Polk discloses a condensate drain pan with inner and outer walls defining inner and outer perimeters, troughs between the inner and outer perimeters (Figures 2A to 2G, column 6, lines 27-31) with the side troughs capable of being sloped from back to front (62, 64, column 6, lines 42-44) to drain openings aligned with each of the side troughs (56, 58, 60). Polk does not teach the use of a central hump in the back trough to facilitate drainage to the side troughs. Stansbury discloses a drain pan with lateral

troughs, including a back trough, (15, Figures 2-4) sloped laterally in both directions from a central hump (15a and column 2, lines 47-49) to provide for drainage into the side troughs (15c, column 2, lines 56-58). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a back trough sloped laterally in both directions from a central hump as disclosed by Stansbury in the drain pan disclosed by Polk to provide for drainage of the back trough into the side troughs.

7. Claims 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polk and Stansbury in view of Goetti (4,687,604).

8. Regarding claims 5, 7 and 9, Polk and Stansbury disclose the drain pan of claim 2 but do not teach the design of the front and back troughs. Goetti discloses a drain pan with front, back and side troughs (Figure 3) and the troughs have first and second (inner and outer) surfaces (38, 54, Figure 2) downwardly converging and forming a non-flat lowermost portion of the trough (56) to provide for the most effective and efficient flow of liquid in the troughs. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of front and back troughs with first and second (inner and outer) surfaces downwardly converging and forming a non-flat lowermost portion of the trough as disclosed by Goetti in the drain pan disclosed by Polk and Stansbury in claim 2 to provide the most effective and efficient flow of liquid in the troughs.

9. Regarding claim 6, Goetti further discloses that a first surface (54, Figure 2) is relatively straight with a predetermined downward slope and a second surface (38) has

a predetermined radius of curvature, at its base where it transitions to meet the first surface at the lowermost point of the trough.

10. Regarding claim 8, Goetti further discloses that the first surface (54) has a curve at its base where it transitions to meet the second surface at the lowermost point of the trough and the radius of this curve is different from the radius of the curve on the second surface (38).

11. Claims 11-13, 15, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polk et al (Polk) (5,904,053) in view of Goetti (4,687,604).

12. Polk discloses a condensate drain pan with inner and outer walls defining inner and outer perimeters, troughs between the inner and outer perimeters (Figures 2A to 2G, column 6, lines 27-31) with the side troughs capable of being sloped from back to front (62, 64, column 6, lines 42-44) to drain openings aligned with each of the side troughs (56, 58, 60). The side troughs will be deeper proximate to the front trough than proximate to the back trough when sloped from back to front. Polk does not teach the design of the front and back troughs. Goetti discloses a drain pan with front, back and side troughs (Figure 3) and the troughs have first and second surfaces (38, 54, Figure 2) downwardly converging and forming a non-flat lowermost portion of the trough as discussed in paragraph 8 above.

13. Regarding claim 18, Goetti further discloses that the back trough has a first surface (54) that extends generally downwardly and outwardly from the inner wall and is curved at its base where it transitions to meet the second surface at the lowermost point of the trough and the second surface (38) extends generally downwardly and inwardly

from the outer wall and is curved at its base where it transitions to meet the first surface at the lowermost point of the trough, and the curved surfaces have different radii of curvature.

14. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of front and back troughs with first and second surfaces downwardly converging and forming a non-flat lowermost portion of the trough as disclosed by Goetti in the drain pan disclosed by Polk to provide the most effective and efficient flow of liquid in the troughs.

15. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Polk and Goetti as applied to claim 11 above, and further in view of Stansbury et al (3,027,041). Polk and Goetti disclose the drain pan of claim 11 but do not teach the use of a central hump in the back trough to facilitate drainage to the side troughs. Stansbury et al discloses a drain pan with lateral troughs, including a back trough, sloped laterally in both directions from a central hump to provide for drainage into the side troughs as discussed in paragraph 6 above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a back trough sloped laterally in both directions from a central hump as disclosed by Stansbury et al in the drain pan disclosed by Polk and Goetti in claim 11 to provide for drainage of the back trough into the side troughs.

16. Claims 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Polk in view of Goetti.

17. Regarding claim 16, it is an obvious matter of design choice to provide a front trough with a first surface that is relatively straight and sloped downwardly and inwardly from the outer wall and a second surface is curved and extending downwardly and outwardly from the inner wall. Applicant has not disclosed that the specific design of the trough solves any stated problem or is for any particular purpose other than to provide a trough with a non-flat lowermost portion for efficient drainage and it appears that the invention would perform equally well with any trough design that provided a non-flat lowermost portion such as that disclosed by Goetti. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a design for the front trough with first and second surfaces downwardly converging and forming a non-flat lowermost portion of the trough such as the one disclosed by Goetti in the drain pan disclosed by Polk to provide the most effective and efficient flow of liquid in the troughs.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Arnold (6,360,911), Martin, Sr. (5,987,909), and Sullivan (4,856,672) disclose drain pans.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry A. Grosso whose telephone number is 571-272-4539. The examiner can normally be reached on Monday through Thursday and alternate Fridays from 7am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young can be reached on 571-272-4549. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lee Young
Supervisory Patent Examiner
Art Unit 3727

hag